



# County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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Chief Administrative Officer

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December 9, 2004

To: Supervisor Gloria Molina, Chair  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

## **RECOMMENDATIONS TO RESTORE FUNDING TO THE SHERIFF'S DEPARTMENT INCLUDING THE RE-OPENING OF JAIL BEDS (ITEM NO. 100, AGENDA OF DECEMBER 14, 2004)**

On November 3, 2004, your Board directed the Chief Administrative Officer (CAO) and requested the Sheriff to jointly prepare a plan to end the present early release program in the County jails for Board consideration on November 23, 2004, including identifying the amount and source of funding required. In addition, your Board directed the CAO to provide a report at the November 23, 2004 Board meeting including, but not limited to: 1) a long-term plan to revive the Sheriff's Department from years of budget reductions starting with the elimination of early release of inmates and increased sworn personnel; and 2) a variety of funding options for the Sheriff's short-term and long-term needs, including the feasibility of discontinuing the supplanting of Proposition 172 (Prop 172) funds by using those revenues as a means to meet the Maintenance of Effort (MOE).

Over the past two fiscal years, declining revenues, unavoidable cost increases and unfunded program priorities totaling \$159.8 million required the Sheriff to make difficult budgetary decisions to ensure continuation of essential law enforcement services. During that period, two of the Sheriff's most significant program curtailments included: 1) \$9.0 million and 107.0 positions from the Patrol Budget, resulting in the elimination of Community Oriented Policing Service (COPS) teams in the unincorporated area; and 2) \$24.3 million and 279.0 positions from the Custody Budget, resulting in the closure of the Century Regional Detention Facility (CRDF), partial closure of various inmate housing areas at other jail facilities, and an increase in the minimum bail requirement threshold from \$25,000 to \$50,000, resulting in the early release of misdemeanants from jail.

### **Custody Master Plan**

In preparation for last month's general election and the potential for voter approval of Measure A, the Sheriff was asked to develop a Custody Master Plan (Plan) which improves jail operations and inmate safety, and restores inmate housing capacity to prior year levels. Accordingly, on August 5, 2004, the Sheriff submitted a \$64.6 million multi-year plan which, when fully implemented, will provide restorations to, and enhance, jail operations.

However, in response to your Board's November 3, 2004 motion, the Sheriff revised the Plan to include implementation priorities, timelines and additional training and recruitment requirements for a total cost of \$79.1 million. The primary objectives of the revised Plan are to: 1) increase the Average Daily Inmate Population; 2) increase the percentage of time served by each inmate; and 3) better align the inmate population classification with appropriate housing and program access.

The Sheriff's Plan includes the following and is illustrated in the chart below:

- Restoration of partially closed inmate housing areas at Pitchess Detention Center (PDC) and the North County Correctional Facility (NCCF).
- Creation of specialized Search Teams, Scent Dog Detection Teams, and Audit Teams to enhance the recently implemented Title 15 Compliance Program.
- Enhanced recruitment and training.
- Movement of female inmates out of Twin Towers Correctional Facility (TTCF)-Tower II into CRDF.
- Reconfiguration of Tower II to house high security male inmates.

FACILITY	INMATE BEDS	OPENING DATE	2004-05	2005-06	2006-07	TOTAL
PDC – East	760	March 2005	1,890,000	3,780,000	-	5,670,000
PDC – North	400	May 2005	491,000	2,457,000	-	2,948,000
PDC – South	234	May 2005	329,000	1,644,000	-	1,973,000
CRDF	400	March 2006	-	4,652,000	9,305,000	13,957,000
NCCF–1 Building	-	April 2006	3,168,000	-	-	3,168,000
TTCF–Tower II Flr 6	578	May 2006	-	1,238,000	6,188,000	7,426,000
TTCF–Tower II Flr 5	585	June 2006	-	619,000	6,807,000	7,426,000
TTCF–Tower II Flr 4	564	July 2006	-	-	7,425,000	7,425,000
TTCF–Mod 272,211	569	Aug 2006	-	-	7,425,000	7,425,000
Onetime Costs	-	-	14,000	803,000	-	817,000
Security Enhancements	-	-	11,180,000	-	-	11,180,000
Training & Recruitment	-	-	4,854,000	4,854,000	-	9,708,000
<b>TOTALS</b>	<b>4,090</b>	<b>-</b>	<b>21,926,000</b>	<b>20,047,000</b>	<b>37,150,000</b>	<b>79,123,000</b>

### **Recommended Restoration**

Based on our review of the Sheriff's Plan, we are currently recommending that your Board allocate \$24.4 million to the Sheriff for the restoration of 1,778 inmate beds at the following jail facilities:

FACILITY	INMATE BEDS	BUD POS	2004-05	2005-06	2006-07	TOTAL
PDC – East	760	43.0	1,890,000	3,780,000	-	(1) 5,670,000
PDC – North	400	23.0	491,000	2,457,000	-	(1) 2,948,000
PDC – South	234	16.0	329,000	1,644,000	-	(1) 1,973,000
NCCF (Bldg 500)	-	38.0	3,168,000	-	-	(2) 3,168,000
TTCF-Tower II [1-Flr]	384	81.0	-	1,238,000	6,188,000	(1) 7,426,000
Onetime Costs	-	-	15,000	7,000	-	22,000
Training & Recruitment	-	-	3,168,000	-	-	3,168,000
<b>TOTAL</b>	<b>1,778</b>	<b>201.0</b>	<b>9,061,000</b>	<b>9,126,000</b>	<b>6,188,000</b>	<b>24,375,000</b>

(1) = Reflects restoration at the funding level identified by the Department.

(2) = In 2003-04 the Sheriff reopened NCCF with overtime.

Allocation of \$24.4 million will allow the Sheriff's Department to re-open all inmate jail beds (except CRDF) closed in the past three years.

### **Century Regional Detention Facility**

Although CRDF was closed as a men's jail facility in 2002-03, should sufficient funding be restored, the Sheriff has proposed the re-opening of CRDF as a women's only facility. CRDF will hold female inmates currently housed at TTCF-Tower II, add 400 beds for women inmates, include on-site medical services and operate a bifurcated Inmate Reception Center (IRC). The existing sworn and professional staff currently assigned to TCCF-Tower II would be reassigned to CRDF. The Sheriff identified the need for an additional \$14.8 million in medical services and IRC personnel, services and supplies, and one-time start up funding to complete the move. Housing of female inmates at CRDF will allow the Department to reinstitute several of the inmate programs that were terminated due to the closure of the Sybil Brand Institute for Women in 1996, as well as, significantly improve inmate processing and jail operations at the IRC. We will work with the Sheriff on a plan to re-open CRDF as part of the Proposed Budget process for FY 2005-06 to determine the availability of funds to finance this program.

### **Recruitment and Training**

The Sheriff's ability to recruit, hire, and train new personnel will directly impact the Department's successful and timely implementation of the restorations. To address existing vacancies and anticipated attrition within the Department, the Sheriff has scheduled seven academy training classes and will graduate approximately 500 new deputies by October 2005. We believe the Sheriff will need to schedule a minimum of three additional academy classes to graduate sufficient personnel necessary to restore jail operations. We are recommending \$3.2 million in funding to enhance the Sheriff's training and recruitment effort.

### **Title 15 Compliance**

The Sheriff's Plan also includes an additional \$11.2 million in security enhancements to: 1) ensure each facility completes inmate safety and security checks; 2) detect and eradicate "pruno", a jailhouse alcoholic concoction; and 3) conduct random and cell-specific searches for possible contraband such as weapons, drugs, pruno, etc. In recognition of this problem, during the 2004-05 Budget Deliberations, your Board provided \$5.0 million to the Sheriff toward this effort. We will work with the Sheriff's Department to look at this issue as part of future budget discussions.

### **Early Release**

In 1988, the Sheriff was granted authority by the Ninth Circuit Court (Rutherford v. Pitchess), in what is commonly referred to as the Rutherford Decision, to release inmates early from the County jail. The Court found that *"When the Inmate Population at any facility exceeds those limits set by the court, the Sheriff shall manage the jail system within those capacities by discharging or citing inmates to court upon a written promise to appear according to the priorities he shall establish."*

The Sheriff has indicated that increased funding will assist in better management of the percentage release program. However, increased bed space alone may not eliminate early release. Elements such as: 1) increases in felony crimes; 2) delays by the State in taking custody of their inmates at the conclusion of County time; and 3) other law enforcement agency activities may also affect the Sheriff's ability to reduce the early release of inmates.

Traditionally, the Sheriff has used early release as a mechanism to manage the County's inmate population. Prior to the budget curtailments, inmates released early had been serving anywhere from 35 to 63 percent of their sentence. The Sheriff's decision to close jails directly increased the number of early releases and decreased the length of time served. Although we believe full restoration of the closed facilities may lessen the number of early releases, according to the Sheriff's Department, it will take almost one year to achieve an impact on early release.

### **Sybil Brand Institute for Women**

The Sybil Brand Institute for Women (SBI) was closed in 1996 to prepare for necessary facility and infrastructure repairs. The female inmates housed at SBI were transferred to other various jail facilities and are currently housed at the TTCF – Tower II. The initial project study and negative declaration conducted in 2001 estimated that the renovations and infrastructure repairs at SBI would cost \$24.5 million. Although the site mitigation work has been completed, since that time, various additional problems have been found at the site, which the Department estimates will cost more than \$42 million to correct. This estimate does not include staffing or other operating costs necessary to re-open SBI. At the time the facility was closed in 1996, SBI was staffed with 332 law enforcement and professional support staff working over three shifts.

Additionally, at the November 30, 2004 Board meeting, Supervisor Antonovich inquired on the proceeds received from filming at SBI and the feasibility of utilizing those funds to renovate SBI. For the 2003-04, the Department received \$43,000 in filming revenue from all Sheriff's facilities and these funds are already programmed into the Sheriff's Department budget. Therefore, this source of revenue cannot be considered towards the renovation of SBI.

### **COPS Restoration**

During the past two years, State and federal grant funding for local COPS programs has been redirected to meet other funding priorities. As a result, the Sheriff was forced to curtail \$9 million and 107.0 positions from the Patrol Budget, resulting in the elimination of COPS teams deployed in the unincorporated area. We plan to incorporate this program into our recommendations of the use of the budgeted designation for enhanced unincorporated services as part of the FY 2005-06 Proposed Budget.

### **Funding Sources**

Should your Board choose to restore funding to the Department's Custody budget, the following revenue sources are available:

- Prop 172 revenue growth; and
- Budgeted designation for enhanced unincorporated services reviewed as part of the FY 2005-06 Proposed Budget.

### **Proposition 172**

Based on the most recent projections of Prop 172, the voter-approved initiative providing a half-cent sales tax for public safety services, we believe there will be sufficient Prop 172 growth to finance recommended restorations this fiscal year and next. While \$24.4 million is required on an annual basis to restore custody beds, only \$9.1 million is required this fiscal year and Prop 172 funds would be sufficient to provide funding for the remainder of this fiscal year.

With respect to supplanting of Prop 172, the County is appropriately following the funding guidelines with respect to eligibility for receipt of these funds. Prop 172 was intended to backfill funding lost to counties as a result of the Educational Revenue Augmentation Fund (ERAF) property tax shift. Los Angeles County has never received an equal amount in Prop 172 revenues. Since the initiation of Prop 172, the County has recovered an average of 45 percent of the amount shifted to ERAF.

Assembly Bill 2788 requires an MOE be met in order to receive Prop 172 funds. The bill established the 1992-93 Adopted Budget as the base year amount, with the following exclusions: Grant Funds, Assets Forfeiture, Capital Outlay Expenditures, Retirement Costs, Revenues for Public Safety Services, and Peace Officer Standardization and Training (P.O.S.T.) and Standards and Training for Corrections (STC) reimbursement. However, the MOE would not be met if Prop 172 were excluded from the base year amount. For example, in FY 2004-05, the County would need to redirect roughly \$187 million from the General Fund to ensure eligibility for Prop 172 revenues. Reallocating funds of this amount would require significant curtailments to other Board priority programs such as parks, beaches, and support for libraries.

### **Summary**

We recommend restoration of 1,778 inmate beds, at an annual cost of \$24.4 million at the following facilities: 1) PDC-East; 2) PDC-North; 3) PDC-South; 4) NCCF; and 5) TTCF-Tower II (one floor). Although the recommended restoration to the Sheriff's Department budget does not fully implement the Sheriff's proposed Plan, we believe it may lesson the number of early releases. According to the Department, it will take almost one year to achieve an impact on early release. We will work with the Sheriff on a plan to re-open CRDF as part of the Proposed Budget process for FY 2005-06 to determine the availability of funds to finance this program.

Based on the above:

- Excluding CRFD, \$9.1 million would be needed to begin restoration of jail beds effective January 1, 2005, an additional \$9.1 million as part of the FY 2005-06 budget, and the remaining \$6.2 million balance in FY 2006-07; and
- \$9.0 million to restore COPS will be considered as part of recommendations of unincorporated service needs to be included in the FY 2005-06 budget.

Please let me know if you have any questions or your staff may contact Debbie Lizzari, at (213) 974-6872.

DEJ:SRH:DL  
RG:BAM:YR:yf

c: Sheriff Leroy D. Baca  
Executive Officer, Board of Supervisors